

OGC 10-2571 S-1  
b6 file cc:LSM

28 February 1975

NOTE FOR: Legislative Counsel

George:

Re: Sources and Methods Criminal Legislation

I talked on the phone today with Bull Durham in the Legislative Office of Justice. As you know, Rakestraw has left to go to India with Saxbe and Tom Hayes, who was working with us on this, resigned suddenly to become general counsel of an insurance company in Cincinnati. Bull Durham has taken over, but he was involved in it before, so it creates no great problem. Tom Hayes had promised to push the Criminal Division on our latest proposal (6 December 1974 memorandum from me to Kevin Maroney and Tom Hayes), but with the events since Christmas nobody had done much until Pat and I saw Doug Marvin and Paul Summitt last month and I subsequently talked to Hayes.

Durham advises that the Criminal Division will have a response to my 6 December memo ready early next week, but that they are not too sympathetic. Those working on it are Roger Pauley and Ezra Friedman, who never were sympathetic. An interesting thing is that, according to Durham, their primary concern is with the possible fallout affecting S-1 if we introduce legislation of this kind. By interesting, I mean the admission that that is what they are concerned with. I doubt that Criminal Division will state their objections in those terms.

Of greater interest, perhaps, is that the new Attorney General has brought Doug Marvin to be his Special Assistant and that he was hired partly for his familiarity with S-1, because Levi has this bill on his schedule of priority items. He has set a May 1975 goal for action in the Senate. Marvin and Summitt told Pat and me that the complicated provisions of section 1124 of S-1 concerning ICRC review, etc., were only for cosmetic reasons and would not survive on the Hill. These revisions in 1124 were done, probably with their assistance, in connection with some sort of deal with Hruska.

With this intelligence concerning Justice's conflict of interest in their concerns for S-1, we should get together and plan our approach. It may be that Bull, or Marvin in Levi's office, will be helpful.

STATINTL

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Deputy General Counsel